

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ELOY CARDENA; aka ABRAHAM  
CARDENAS,

Petitioner,  
VS.

NATHANIEL QUARTERMAN,  
  
Respondent.

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CIVIL ACTION NO. C-08-399

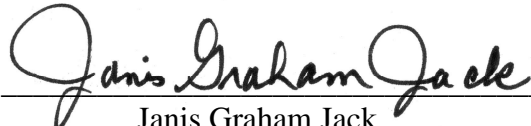
**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION  
TO DENY PETITIONER'S MOTION  
FOR A CERTIFICATE OF APPEALABILITY**

On August 17, 2009, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner's motion for a certificate of appealability (D.E. 23) be denied; and recommending further that petitioner be advised that he may request the issuance of a certificate of appealability from a circuit court of appeals judge. A copy of the Memorandum and Recommendation was mailed to petitioner with a card to be returned indicating his receipt of the mailing. The card has not been returned by petitioner nor has the mailing been returned by the U.S. Post Office as undeliverable. Therefore, seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that petitioner's motion for a certificate of appealability is denied. Petitioner is advised that he may request the issuance of a certificate of appealability from a circuit court of appeals judge.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 21st day of October, 2009.

  
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Janis Graham Jack  
United States District Judge